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FILED

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Division of Consumer Affairs
New Jersey State
Board of Polysonnography

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
NEW JERSEY STATE
BOARD OF POLYSOMNOGRAPHY

IN THE MATTER OF THE
APPLICATION OF

CLIFFORD PARDO

FOR A PROVISIONAL LICENSE AS
A POLYSOMNOGRAPHY TRAINEE

Administrative Action

PROVISIONAL ORDER
OF DENIAL OF APPLICATION

This matter was opened to the New Jersey State Board of Polysonnography ("the Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Mr. Pardo applied for a provisional license as a polysonnography trainee by application dated March 28, 2012. (Exhibit A)
2. Mr. Pardo checked "no" on his application and on the Certification and Authorization Form for a Criminal History Background Check in response to questions

about whether he had ever been arrested for or convicted of a crime or offense. (Exhibit A)

3. The criminal history background check revealed that Mr. Pardo had been arrested on October 22, 2011 on drug-related charges, and was convicted on June 21, 2012 of possession of drug paraphernalia. He was sentenced to six months suspension of driver's license and assessed \$1,714.00. Mr. Pardo had also previously been arrested on August 18, 2006 for possession of marijuana; he was admitted into a diversionary program and the charges were conditionally discharged on September 6, 2006. Mr. Pardo was arrested on March 2, 2010 and convicted on September 13, 2010 of possession of marijuana; he was sentenced to one year probation, six months suspension of drivers license, and assessed \$1,005.00. On May 5, 2010 Mr. Pardo was arrested in Elmwood Park on charges of marijuana possession and possession of paraphernalia; he was convicted on September 29, 2010 of improper behavior. He was assessed \$413.00. Mr. Pardo was arrested on October 22, 2010 on drug-related charges; no disposition has been provided. (Exhibit B)

4. On or about September 17, 2012, Mr. Pardo was asked to enroll in the Professional Assistance Program of New Jersey (PAP) for evaluation and monitoring prior to licensure being granted. No written response was received.

5. Mr. Pardo was arrested on March 15, 2013 on charges of marijuana possession and possession of drug paraphernalia. He was convicted on August 1, 2013 of possession of marijuana , was sentenced to one year probation, and assessed \$1,008.00. (Exhibit C)

6. Mr. Pardo had a counselor from Wayne Counseling and Family Services forward a letter to the Board on his behalf, indicating he is in compliance with the requirements of a substance abuse group counseling program which is apparently court-ordered, and which Mr. Pardo appears to wish the Board to accept in lieu of participation in PAP.. (Exhibit D) Mr. Pardo has communicated with Board staff by telephone, without written submissions.

CONCLUSIONS OF LAW

1. Mr. Pardo's checking "no" on his application in response to questions about prior arrests and convictions constitutes dishonesty and misrepresentation in violation of N.J.S.A. 45:1-21(b).

2. Mr. Pardo's repeated arrests and convictions on drug-related charges, including an arrest and conviction in 2013, while his application was under consideration by the Board, indicates conduct relating adversely to the practice of polysomnography within the intendment of N.J.S.A. 45:1-21(f).

ACCORDINGLY, IT IS on this 10th day of September, 2013,
ORDERED that:

1. Mr. Pardo's application for a provisional license as a trainee is hereby provisionally denied based upon the violation of N.J.S.A. 45:1-21(b) and (f).

2.. The within Order shall be subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry hereof unless respondent requests a modification or dismissal of the above stated Findings of Fact or Conclusions of Law by:

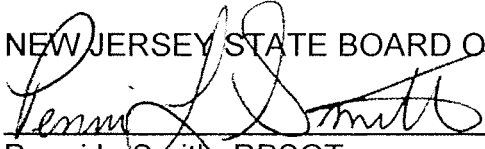
a) Submitting a written request for modification or dismissal to Francine C. Widrich, Acting Executive Director, Board of Polysomnography, P.O. Box 45051, 124 Halsey Street, Seventh Floor, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed or arguments in mitigation.

c) Submitting any and all documents or other written evidence supporting the applicant's request for consideration and reasons therefor.

6. Any submissions will be reviewed by the Board, and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through the submission by Mr. Pardo during the thirty-day period, or if the Board is not persuaded that submitted materials merit further consideration, a Final Order of Denial of Application will be entered.

7. In the event that Mr. Pardo's submissions establish a need for further proceedings, including, but not limited to, an evidentiary hearing, Mr. Pardo shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein shall serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions herein.

NEW JERSEY STATE BOARD OF NURSING
By: 
Penni L. Smith, RPSGT
Board Chair